

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 10-1915 JB

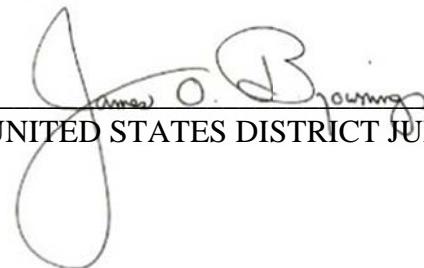
MYRON HARRY,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Plaintiff's Motion to Compel Defendant to Comply with Rules 16(b)(1)(B) & (C), filed October 2, 2012 (Doc. 97) ("Motion to Compel"). The Court held a hearing on March 29, 2013.¹ At the hearing, the parties informed the Court that the Motion to Compel is moot, because the United States requests, in the Motion to Compel, that the Court order Defendant Myron Harry to produce an expert report for his forensic science expert from Ohio, but Harry is not intending to call a forensic science expert from Ohio at trial. See Motion to Compel at 1; Transcript of Hearing at 12:17-13:4 (taken March 29, 2013)(Nayback, Court, Samore). Accordingly, the Court denies the Motion to Compel as moot.

IT IS ORDERED that the Motion to Compel Defendant to Comply with Rules 16(b)(1)(B) & (C), filed October 2, 2012 (Doc. 97), is denied.



UNITED STATES DISTRICT JUDGE

¹ The Court's citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

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